



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,588	01/12/2001	David Elberbaum	ELBX 17.815A	1804

26304 7590 12/13/2006
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,588

Applicant(s)

ELBERBAUM, DAVID

Examiner

Jamie Vent

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/6/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-67 is/are pending in the application.
- 4a) Of the above claim(s) ~~4-46~~ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 6, 2006 has been entered.

Response to Arguments

Applicant's arguments with respect to claim 46 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues on page 10 that Moritio in view of Miller et al fails to disclose, "data identifying a data source" as recited in Claim 46. It is noted that Morito et al discloses the ability to use identifiers as described in Column 4 Lines 9+. The identifiers used in the system provide information regarding various items through the systems serial number. The serial number has various information regarding data and data source through the manufacturing of a DVD and thereby provides information regarding the source. Additionally, applicant argues that the references fails to discloses a fresh tray with a fresh disk as recited in Claim 63. Miller teaches a jukebox system wherein new disks are entered into the system as seen in Figure 12 and recited Column 9 Lines 9+. The jukebox system is used to allow various types of disks to be entered into the system and thereby meets the limitation.

Art Unit: 2621

Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-51 and 55-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moritio (US 6,782,190) in view of Miller et al (US 6,222,800).

[claims 46, 48, & 63]

In regard to Claims 46, 48, and 63, Morito et al discloses a disk recorder apparatus for authenticating a disk comprising a digital video signal of at least one camera, recorded onto a fresh disk by a disk recorder, said disk recorder comprising:

- controller including code generator for generating an exclusive code and a corresponding code signal for said fresh disk, said exclusive code including data including the data source of the digital video signal recorded on the disk, and a code mixer for ranting said digital video signal and said code signal (Figure 8 shows a controller for generating exclusive code as described in Column 4 Lines 38-45. Additionally, Figure 7 shows the disk identifier Sd mixed on the disk with coded signal Sp); however, fails to disclose the following:

Art Unit: 2621

- a pull lever;
- a fresh disk tray for receiving said fresh disk including one or more cutouts, and one of notches and projections for engagement by said pull lever,
- a fresh disk tray compartment for loading one or more fresh disk trays including an elevating platform for raising or lowering said fresh disk tray into a feeding position;
- a printer comprising an imprinting head supported by a reciprocal up-down arm, for imprinting said exclusive code onto the label side of said fresh disk contained in said tray when said tray is in said feeding position;
- a disk driver, a recording head and a pulling table including said pull lever for engaging and transporting said fresh disk tray with an imprinted fresh disk from said feeding position to said disk driver and said recording head for recording stud digital video signals mixed or combined with said code signal on said imprinted fresh disk;
- a disk collection compartment for collecting recorded disks contained in said trays including a disk collection elevating platform which is raised or lowered along with the collected trays to a receiving position for receiving a subsequent tray, wherein a tray containing recorded disk is pushed into said receiving position by said fresh disk tray, or by an additional pull lever

Art Unit: 2621

included in said pulling table during said transporting and wherein said label side is the surface opposite to the recording surface of said disk.

Miller teaches an auto load disk copier system as seen in Figure 12. The disk copier system provides a pull lever as described in Column 9 Lines 21-26 that allows for movement of disks throughout the system. Furthermore, Figure 12 shows a jukebox copying system that allows for a fresh disk tray compartment for loading new disks as described in Column 9 Lines 1-8 that allows for further transporting of the disks through the system. Additionally, the system shows a printer for imprinting information onto the disk as described in Column 9 Lines 9-55. The imprinted disk allows for information to be sent throughout the system and provides the disk to be properly labeled for processing and thereby enhances the features of the systems to include labeling and transporting at a significant cost savings as described in Column 2 Lines 15-21.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention use the coding system, as disclosed by Morito, and further teach the system the transporting of disks through the system, as disclosed by Miller et al, to allow the system to provide a complete transport labeling system.

[claims 47 & 49]

In regard to Claims 47 and 49, Morito et al discloses the disk recorder apparatus for authenticating a disk according to wherein said imprinting head includes a code reader and said recording head includes a playback head and said controller includes a code extractor and a code comparator, wherein said code reader reads said exclusive code from said label side of said recorded disk and said playback head plays back said digital

Art Unit: 2621

video signals mixed combined with said code signals; and said code extractor extracts said exclusive code from the playback signal and said code comparator outputs authentication signal when the read exclusive code and the extracted exclusive code commensurate (Column 4 Lines 38-45 describes the exclusive code used for playing back and authenticating the signal in the system).

[claims 50, 51, & 64]

In regard to Claims 50, 51, and 64, Moritio et al discloses a disk recorder apparatus for authenticating a disk according to wherein said fresh disk is one of a non-erasable disk and a recordable disk (Column 4 Lines 45+ describes the use of DVD-R; DVD-ROM; and DVD-RAM).

[claims 55, 56, & 65]

In regard to Claims 55, 56, and 65, Moritio discloses a disk recorder apparatus for authenticating; however, fails to disclose a disk wherein said pull lever is selected from a group consisting of a self-propelled lever, a spring propelled lever, a motor-activated lever and an electrical plunger-activated lever. Miller et al discloses a system wherein levers are used for the movement of disks as described in Column 9 Lines 9-55. The various levers can be used in order to properly propel items in the system. The examiner takes official notice that it would be obvious to one of ordinary skill in the art to use any of the following levers in the system: self-propelled lever, a spring propelled lever, a motor-activated lever and an electrical plunger-activated lever to achieve movement of the disks.

[claims 57, 58, & 66]

Art Unit: 2621

In regard to Claims 57, 58, and 66, Moritio discloses a disk recorder apparatus for authenticating a disk; however, fails to disclose the elevating platform-includes an elevating mechanism selected from the group consisting of gear assemblies with gear racks, timing belts with timing gears and threaded shafts with mating threaded sockets. Miller et al a system wherein gears are used for the elevating platform as described in Column 9 Lines 9-55. The gears provide the system the ability to move the disk from various positions within the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the disk recording apparatus, as disclosed by Moritio, and further teach a system to incorporate gear assemblies, as disclosed by Miller, to allow for the system to have properly functioning elevating platforms.

[claims 59, 60, 61, 62, & 67]

In regard to Claims 59, 60, 61, 62, and 67 Moritio discloses a disk recorder apparatus for authenticating a disk ; however, fails to disclose wherein said disk includes at least two disk recording modules vertically stacked and mounted on top of a module elevating platform, each of said disk recording module includes a disk driver and a recording head, and whereto said module elevating platform is raised or lowered along with said disk recording modules for aligning each of said disk recording modules with said feeding position and said receiving position during said disk tray transporting. Miller teaches a system that has elevating platform for raising and lowering of disks as seen in Figure 12 and described in Column 9 Lines 9-55. The disks assembly allows for proper movement throughout the system for processing of the disks. Therefore, it

Art Unit: 2621

would have been obvious to one of ordinary skill in the art at the time of the invention to use a disk authenticating apparatus, as disclosed by Moritio, and incorporate the function of an elevating platform, as taught by the jukebox system of Miller, that allows for multiple disks to be processed.

Claim 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Moritio (US 6,782,190) in view of Miller et al (US 6,222,800) in further view of Isoda (US 6,249,835).

[claims 52]

In regard to Claim 52, Moritio in view of Miller discloses a disk recorder apparatus for authenticating a disk according to wherein said printer (Column 4 Lines 35-40); however, fails to disclose the printer is selected from a group consisting of a laser printer, an ink jet printer, a heat stamp printer, an ink pad printer, an optical/chemical printer, a ribbon printer and a rubber pad printer. Isoda teaches in Figure 7 and 8 that any type of printer can be added to a system through user designation, plug and play, or through an operating system as described in Column 4 Lines 35+. The ability to add various types of output devices allows the system to be integrated into various systems depending on existing hardware. Furthermore, it would be obvious that a group of printers in this system could consist of a laser printer, an ink jet printer, a heat stamp printer, an ink pad printer, an optical/chemical printer, a ribbon printer and a rubber pad printers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the disk recording authenticating system as disclosed by

Art Unit: 2621

Moritio in view of Miller, and further teach the system to use various printer selections for the system, as taught by Isoda, to allow for a fully integrated system.

Claim 53 and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Moritio (US 6,782,190) in view of Miller et al (US 6,222,800) in further view of Anderson (US 6,463,026).

[claims 53 & 54]

In regard to Claims 53 and 54, Moritio in view of Miller et al discloses a disk recorder apparatus for authenticating a disk according to wherein said imprinting head (Column 4 Lines 29+ describes the attaching of labels onto the exclusively coded disks); however, fails to disclose a label applicator for attaching an exclusively coded labels onto said label side of said fresh disk. Anderson teaches a system wherein labels are applied to disks for identifying the various disks as seen in Figure 1. The labels can therefore be associated with an exclusive disk and code. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to use the disk recording apparatus with authenticating disks via a unique code, as disclosed by Morito in view of Miller et al, and further incorporate a system that allows for the identification to be on a label, as disclosed by Anderson et al, that allows for removal and reapplication of labels.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Oguro et al (US 6,301,430).

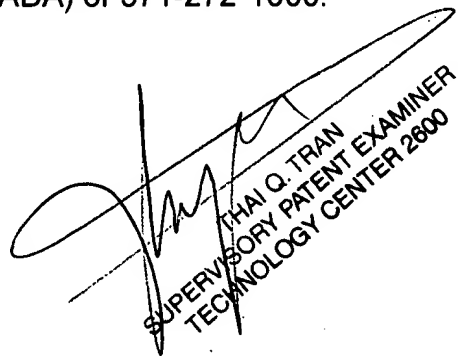
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJV


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600